

AMENDED IN SENATE MAY 8, 2006

AMENDED IN ASSEMBLY JANUARY 23, 2006

AMENDED IN ASSEMBLY JANUARY 4, 2006

AMENDED IN ASSEMBLY APRIL 11, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 874

Introduced by Assembly Member Wolk

February 18, 2005

An act to add Chapter 5 (commencing with Section 3860) to Part 2 of Division 4 of the Fish and Game Code, relating to wildlife, *making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 874, as amended, Wolk. Avian flu wildlife surveillance.

Existing law creates the Fish and Game Commission in the Resources Agency, and provides for the regulation by the Department of Fish and Game of the taking of various bird species, including prohibiting the taking of certain nongame birds. Existing law also provides for the preservation of certain bird species.

This bill would enact the Avian Flu Wildlife Surveillance Act to require the Resources Agency, in consultation with the *Department of Food and Agriculture, the State Department of Health Services, the Office of Emergency Services, and the University of California*, to develop *and implement* a plan for the surveillance, monitoring, sampling, diagnostic testing, and reporting of avian influenza in wild birds and animals in the state, among other things. The bill would

require the Secretary of the Resources Agency to ~~convene an advisory task force, known as the Avian Influenza Surveillance Task Force~~ *establish the Avian Influenza Working Group*, composed of specified members, to assist in the development *and implementation* of the plan. The bill would ~~also~~ require the ~~secretary~~ *Director of Fish and Game*, on or before July 1, 2007, to compile and submit a report on the development *and implementation* of an avian influenza ~~surveillance~~ *detection and response* plan for wild birds ~~and animals~~ to the Legislature, the Chair of the Assembly *Committee on Water, Parks and Wildlife* ~~Committee~~, and the Chair of the Senate *Committee on Natural Resources and Water* ~~Committee~~. *The bill would appropriate \$1,000,000 from the General Fund to the Department of Fish and Game for purposes of implementing these provisions.*

The bill would make legislative findings and declarations relating to avian influenza. *The bill would declare that it is to take effect immediately as an urgency statute.*

Vote: ~~majority~~ ^{2/3}. Appropriation: ~~no~~ *yes*. Fiscal committee: *yes*. State-mandated local program: *no*.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 5 (commencing with Section 3860) is
2 added to Part 2 of Division 4 of the Fish and Game Code, to read:

3
4 CHAPTER 5. AVIAN FLU WILDLIFE SURVEILLANCE ACT

5
6 3860. This chapter shall be known, and may be cited, as the
7 Avian Flu Wildlife Surveillance Act.

8 3861. The Legislature finds and declares all of the following:

9 (a) Avian influenza and other emerging diseases of wildlife
10 are a serious threat to the people of California.

11 (b) California is home to large populations of migratory birds
12 and other wildlife species.

13 (c) California is a central part of the Pacific Flyway, and a
14 seasonal home to species of birds that migrate to and from Asia,
15 Central America, South America, and other regions.

16 (d) Surveillance of wild birds and animals across the state is a
17 key element among efforts to prevent avian influenza and other
18 emerging wildlife diseases from harming the people and the
19 natural resources of the state.

(e) In the interest of public health, the state shall support an effective surveillance program for avian influenza and other emerging wildlife diseases in wild bird and animal populations.

3862. The Resources Agency, in consultation with the *Department of Food and Agriculture, the State Department of Health Services, the Office of Emergency Services, and the University of California*, shall develop *and implement* a plan for the surveillance, monitoring, sampling, diagnostic testing, and reporting of avian influenza in wild birds and animals in the state. The Resources Agency shall consult with the United States Fish and Wildlife Service *and the United States Department of Food and Agriculture* in developing the plan.

3863. (a) The Secretary of the Resources Agency shall ~~convene an advisory task force, known as the Avian Influenza Surveillance Task Force,~~ *formally establish the Avian Influenza Working Group* to assist in the development of the plan described in Section 3862. *The Avian Influenza Working Group shall utilize, as guidance, the national protocol that has been developed to guide states in developing state-specific plans, known as the Early Detection System for Asian H5N1 Highly Pathogenic Avian Influenza in Wild Migratory Birds. The Avian Influenza Working Group shall also continue, enhance, and facilitate the work already begun by the Department of Fish and Game, other state departments, and the University of California, to coordinate communication of information and response plans for highly pathogenic avian influenza in wild birds.*

~~(a) The task force~~

(b) *The Avian Influenza Working Group* shall be composed of all of the following members:

~~(1) A minimum of six, and a maximum of 10, wildlife or disease scientists, as designated by the Secretary of the Resources Agency. At least two shall be from the University of California. The remainder shall be from the University of California, other universities, or other qualified research organizations.~~

~~(2)~~

~~(1)~~ One representative of the Resources Agency.

~~(3)~~

~~(2)~~ One representative of the department.

~~(4)~~

1 (3) One representative of the Department of Food and
2 Agriculture.

3 ~~(5)–~~

4 (4) One representative of the State Department of Health
5 Services.

6 ~~(6)–~~

7 (5) One representative of the Office of Emergency Services.

8 (6) *One representative of the Regents of the University of*
9 *California.*

10 (7) *One representative from a qualified research organization.*

11 ~~(b) Members of the task force shall be appointed on or before~~
12 ~~March 1, 2007.~~

13 (c) *The Secretary of the Resources Agency shall appoint the*
14 *members of the Avian Influenza Working Group as soon as*
15 *practicable.*

16 ~~(e) The task force~~

17 (d) *The Avian Influenza Working Group* shall be headed by a
18 chairperson, selected by the ~~task force working group~~ from
19 among its members.

20 ~~(d) A majority of the task force~~

21 (e) *A majority of the Avian Influenza Working Group* shall
22 constitute a quorum for the transaction of business.

23 ~~(e) The duties of the task force~~

24 (f) *The duties of the Avian Influenza Working Group* shall
25 include all of the following:

26 ~~(1) Recommending strategies and protocols for the~~
27 ~~surveillance, monitoring, sampling, and diagnostic testing of~~
28 ~~avian influenza and other emerging wildlife diseases in the state.~~

29 ~~(2) Guiding the development of a surveillance program for~~
30 ~~avian influenza and other emerging wildlife diseases in wildlife~~
31 ~~populations in the state.~~

32 ~~(3) Recommending procedures for rapid response and~~
33 ~~reporting of information on avian influenza and other infectious~~
34 ~~diseases in wild birds and animals.~~

35 (1) *Developing and implementing strategies for the detection*
36 *of, and response to, the avian flu virus in wild birds in*
37 *California.*

38 ~~(4)–~~

1 (2) Fostering communication among state and federal
2 agencies regarding the avian influenza surveillance program and
3 other emerging wildlife diseases program.

4 (g) *The Avian Influenza Working Group may consult with*
5 *other public and nonprofit groups potentially affected by avian*
6 *influenza in wild birds.*

7 3864. On or before July 1, 2007, the Secretary of the
8 Resources Agency director shall compile and submit a report on
9 the development and implementation of an avian influenza
10 surveillance plan for wild birds and animals detection and
11 response plan for wild birds in the state. This report shall be
12 submitted to the Legislature, the Chair of the Assembly
13 Committee on Water, Parks and Wildlife, and the Chair of the
14 Senate Natural Resources and Water Committee Committee on
15 Natural Resources and Water.

16 SEC. 2. *The sum of one million dollars (\$1,000,000) is hereby*
17 *appropriated from the General Fund to the Department of Fish*
18 *and Game for purposes of implementing Chapter 5 (commencing*
19 *with Section 3860) of Part 2 of Division 4 of the Fish and Game*
20 *Code.*

21 SEC. 3. *This act is an urgency statute necessary for the*
22 *immediate preservation of the public peace, health, or safety*
23 *within the meaning of Article IV of the Constitution and shall go*
24 *into immediate effect. The facts constituting the necessity are:*

25 *In order to rapidly implement avian influenza early detection*
26 *surveillance activities and enhance California's preparedness for*
27 *and response to the threat of highly pathogenic H5N1 avian*
28 *influenza, it is necessary that this act take effect immediately.*